

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON

CLARK A. FULLER,

Plaintiff,

Civil No. 03-6387-TC

v.

O R D E R

OAKWOOD HOMES CORPORATION,  
the plan administrator of  
the Long Term Disability  
Benefits for Employees of  
OAKWOOD HOMES CORPORATION,  
and HARTFORD LIFE AND  
ACCIDENT INSURANCE COMPANY,

Defendants.

COFFIN, Magistrate Judge:

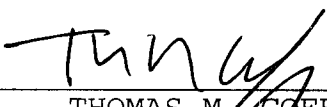
This is an ERISA case in which plaintiff is the prevailing party. Presently before the court are plaintiff's motion (#45) for attorney fees and plaintiff's bill of costs(#46).

On May 4, 2005, defendant was ordered to show cause in writing within 20 days why plaintiff's motion for attorney fees and bill of costs should not be granted. Defendant was informed that failure to respond to this order would result in the granting of plaintiff's motion

for attorney fees and plaintiff's bill of costs.

Defendant has not responded to the court's order. As such, plaintiff's motion(#45) for attorney fees and bill of costs(#46) is allowed and plaintiff is awarded \$15,952.50 in attorney fees, costs of \$280.50, prejudgment interest from November 1, 2002 and postjudgment interest. Prejudgment and postjudgment interest shall be calculated in accordance with 28 U.S.C. § 1961, "at a rate equal to the coupon issue yield equivalent (as determined by the Secretary of the Treasury) of the average accepted auction price for the last auction of fifty-two week United States Treasury bills settled immediately prior to the date" of the monthly amount due or as is appropriate. As suggested by plaintiff, the exact percentages can be calculated by the parties.

DATED this 29<sup>th</sup> day of July, 2005.

  
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THOMAS M. COFFIN  
United States Magistrate Judge